

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|----------------------------------|---|-----------------------------|------------|
| In re the Application of: |) | Customer No.: | 35,554 |
| |) | | |
| Ronald A. KATZ |) | Confirmation No.: | 7611 |
| |) | | |
| Serial No.: 09/505,915 |) | Group Art Unit: | 2614 |
| |) | | |
| Filed: February 17, 2000 |) | Examiner: | S. Woo |
| |) | | |
| For: COMMERCIAL PRODUCT |) | Attorney Docket No.: | 6046-101D8 |
| ROUTING SYSTEM WITH VIDEO |) | | |
| VENDING CAPABILITY |) | | |

LETTER REQUESTING WITHDRAWAL OF IMPROPER
NOTICE OF ABANDONMENT
UNDER MPEP 711.03 AND 37 C.F.R. §1.137

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION/PETITION

1. Applicant hereby requests reconsideration, and withdrawal, of the holding of abandonment set forth in the notice dated August 23, 2007, for failure to file a timely and proper reply to an Office Action dated January 25, 2007. The request is being filed promptly after receipt of such notice.

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via electronic filing (EFS-Web) on the date shown below to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

October 22, 2007
Date of Transmission

/Reena Kuyper/
Reena Kuyper

RESPONSE TO OFFICE ACTION TIMELY SUBMITTED

2. The response to the outstanding office action was mailed to the U.S. Patent & Trademark Office, along with the appropriate transmittal from and the petition for extension form, on July 25, 2007. A copy of the Amendment and Response to Office Action, as mailed, is attached (*Exhibit B*). A stamped return postcard (*Exhibit A*), acknowledging receipt by the Patent Office is also attached. Also, a review of the U.S. Patent & Trademark Office's PAIR Image File Wrapper reveals that the above documents were scanned in. If a Petition for Revival under 1.137(b) is required, please consider this a petition therefor.

FEE

3. Applicant believes that no fee is necessary at this time. However, if any fees are associated with this request, the commissioner is authorized to charge the necessary amount from our Deposit Account No. **50-1636**. Should any of the personnel handling this matter at the U.S. Patent & Trademark Office have any questions about this submission, he or she is invited to contact the undersigned to expedite resolution thereof.

Respectfully submitted,

BERRY & ASSOCIATES P.C.

Dated: October 22, 2007

9255 Sunset Blvd., Suite 810
Los Angeles, CA 90069
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By: /ReenaKuyper/

Reena Kuyper
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Exhibit A

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

AMENDMENT AND RESPONSE TO OFFICE ACTION

Applicant: Ronald A. Katz
Serial No.: 09/505,915
Filed: February 17, 2000
For: COMMERCIAL PRODUCT ROUTING SYSTEM WITH VIDEO VENDING
CAPABILITY
Attorney(s): Reena Kuyper
Docket No.: 6046-101D8
Date of Deposit: July 25, 2007
Enclosure(s): Transmittal Form; Fee Transmittal; Petition for Extension of Time; Amendment and Response to Office Action; Return Postcard.

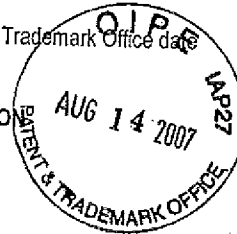


Exhibit A

Exhibit B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
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| In re the Application of: |) | Customer No.: | 35,554 |
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| Ronald A. KATZ |) | Confirmation No.: | 7611 |
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| Serial No.: 09/505,915 |) | Group Art Unit: | 2614 |
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| Filed: February 17, 2000 |) | Examiner: | S. Woo |
| |) | | |
| For: COMMERCIAL PRODUCT |) | Attorney Docket No.: | 6046-101D8 |
| ROUTING SYSTEM WITH VIDEO |) | | |
| VENDING CAPABILITY |) | Office Action mailed: | January 25, 2007 |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the final Office Action dated January 25, 2007, please amend the application as shown herein.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 34 of this paper.

CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I hereby certify that this document (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 25, 2007
Date

/Reena Kuyper/
Reena Kuyper

IN THE CLAIMS:

Please amend the claims as indicated. A complete set of the claims is included below, reflecting added subject matter (*underlining*) and deleted subject matter (*strikethrough*), as well as the current status of each claim. This listing of claims will replace all prior versions, and listings, of claims in the application:

1-16. (Canceled)

17. (Currently Amended) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one of a plurality of vendor sites, at least certain of said buyers having addresses for electronic communication, comprising:

- an interface for facilitating interaction of interested buyers with vendor sites via an on-line computer service;

- an input system for use by the interested buyers to provide input data including data created and expressed by the interested buyers via a keypad to designate at least one area of commercial interest for a merchandise or service;

- a control system for processing the input data to isolate at least one select vendor site from the plurality of vendor sites based on the area of commercial interest designated by an interested buyer;

- a memory in communication with the select vendor site for storing identification data of the interested buyer in association with said area of commercial interest designated by the buyer; and

- whereby the control system subsequently electronically outputs by electronic email to an indicated email address for electronic email communication for the interested buyer, an indication regarding said area of interest including select video data presentations including dynamic video data or high resolution freeze frame video data and text data.

18. (Previously Presented) The commercial transaction system of claim 17 wherein at least one area of interest is designated by unique product codes.

19. (Previously Presented) The commercial transaction system of claim 17 wherein at least one area of interest is designated by product class codes.

20. (Previously Presented) The commercial transaction system of claim 17 wherein at least one area of interest is a specific product.

21. (Previously Presented) The commercial transaction system of claim 17 wherein the interested buyers provide purchase data as part of the input data.

22. (Previously Presented) The commercial transaction system of claim 17 wherein the interested buyers provide cost data as part of the input data.

23. (Previously Presented) The commercial transaction system of claim 17 wherein the interested buyers provide qualification data as part of the input data.

24. (Canceled)

25. (Previously Presented) The commercial transaction system of claim 22 wherein the control system transmits the highest offer from interested buyers.

26. (Previously Presented) The commercial transaction system of claim 23 wherein the control system further considers factors in addition to qualification data.

27. (Previously Presented) The commercial transaction system of claim 26 wherein said other factors include merchandise codes.

28. (Previously Presented) The commercial transaction system of claim 27 wherein said other factors include merchandise codes.

29. (Currently Amended) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one of a plurality of vendor sites, at least certain of said buyers having addresses for electronic communication, comprising:

- an interface for facilitating interaction of interested buyers with vendor sites via an on-line computer service;

- an input system for use by the interested buyers to provide input data including data created and expressed by the interested buyers via a keypad to designate at least one area of commercial interest for a merchandise or service;

- a control system for processing the input data to isolate at least one select vendor site from the plurality of vendor sites based on the area of commercial interest designated by an interested buyer;

- a memory in communication with the select vendor site for storing identification data of the interested buyer in association with said area of commercial interest designated by the buyer; and

- whereby the control system electronically outputs to an indicated address for electronic communication for the interested buyer, an indication regarding said area of interest including select video data presentations including dynamic video data or high resolution freeze frame video data and text data wherein the control system outputs an indication to said buyers by an electronic mail communication (e-mail).

30. (Previously Presented) The commercial transaction system of claim 29 wherein the addresses for said electronic communication are electronic mail addresses

31. (Currently Amended) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly

interested buyer or buyers and at least one of a plurality of vendor sites, at least certain of said buyers having addresses for electronic communication, comprising:

an interface for facilitating interaction of interested buyers with vendor sites via an on-line computer service;

an input system for use by the interested buyers to provide input data including data created and expressed by the interested buyers via a keypad to designate at least one area of commercial interest for a merchandise or service;

a control system for processing the input data to isolate at least one select vendor site from the plurality of vendor sites based on the area of commercial interest designated by an interested buyer;

a memory in communication with the select vendor site for storing identification data of the interested buyer in association with said area of commercial interest designated by the buyer; and

whereby the control system electronically outputs to an indicated address for electronic communication for the interested buyer, an indication regarding said area of interest including select video data presentations including dynamic video data or high resolution freeze frame video data and text data wherein the control system outputs the indication to said buyers by a telephonic communication

32. (Previously Presented) The commercial transaction system of claim 31 wherein the addresses for said telephonic communication are telephone numbers for the buyers.

33. (Currently Amended) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one of a plurality of vendor sites, at least certain of said buyers having addresses for electronic communication, comprising:

an interface for facilitating interaction of interested buyers with vendor sites via an on-line computer service;

an input system for use by the interested buyers to provide input data including data created and expressed by the interested buyers via a keypad to designate at least one area of commercial interest for a merchandise or service;

a control system for processing the input data to isolate at least one select vendor site from the plurality of vendor sites based on the area of commercial interest designated by an interested buyer;

a memory in communication with the select vendor site for storing identification data of the interested buyer in association with said area of commercial interest designated by the buyer; and

whereby the control system electronically outputs to an indicated address for electronic communication for the interested buyer, an indication regarding said area of interest including select video data presentations including dynamic video data or high resolution freeze frame video data and text data wherein the control system outputs the indication to said buyers by a recorded voice message.

34. (Previously Presented) The commercial transaction system of claim 33 wherein the recorded voice message is voicemail.

35. (Currently Amended) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one of a plurality of vendor sites, at least certain of said buyers having addresses for electronic communication, comprising:

an interface for facilitating interaction of interested buyers with vendor sites via an on-line computer service;

an input system for use by the interested buyers to provide input data including data created and expressed by the interested buyers via a keypad to designate at least one area of commercial interest for a merchandise or service;

a control system for processing the input data to isolate at least one select vendor site from the plurality of vendor sites based on the area of commercial interest designated by an interested buyer;

a memory in communication with the select vendor site for storing identification data of the interested buyer in association with said area of commercial interest designated by the buyer; and

whereby the control system electronically outputs to an indicated address for electronic communication for the interested buyer, an indication regarding said area of interest including select video data presentations including dynamic video data or high resolution freeze frame video data and text data, wherein the control system or the vendor site outputs the indication to said buyers by an electronic bulletin board.

36. (Currently Amended) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one of a plurality of vendor sites, at least certain of said buyers having addresses for electronic communication, comprising:

an interface for facilitating interaction of interested buyers with vendor sites via an on-line computer service;

an input system for use by the interested buyers to provide input data including data created and expressed by the interested buyers via a keypad to designate at least one area of commercial interest for a merchandise or service;

a control system for processing the input data to isolate at least one select vendor site from the plurality of vendor sites based on the area of commercial interest designated by an interested buyer;

a memory in communication with the select vendor site for storing identification data of the interested buyer in association with said area of commercial interest designated by the buyer; and

whereby the control system electronically outputs to an indicated address for electronic communication for the interested buyer, an indication regarding said area of interest including select video data presentations including dynamic video data or high resolution freeze frame video data and text data, wherein the control system or the vendor site outputs an indication to said buyers by facsimile.

37. (Previously Presented) The commercial transaction system of claim 36 wherein an address for electronic communication is a telephone number associated with a facsimile machine.

38. (Currently Amended) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one of a plurality of vendor sites, at least certain of said buyers having addresses for electronic communication, comprising:

- an interface for facilitating interaction of interested buyers with vendor sites via an on-line computer service;

- an input system for use by the interested buyers to provide input data including data created and expressed by the interested buyers via a keypad to designate at least one area of commercial interest for a merchandise or service;

- a control system for processing the input data to isolate at least one select vendor site from the plurality of vendor sites based on the area of commercial interest designated by an interested buyer;

- a memory in communication with the select vendor site for storing identification data of the interested buyer in association with said area of commercial interest designated by the buyer; and

- whereby the control system electronically outputs to an indicated address for electronic communication for the interested buyer, an indication regarding said area of interest including select video data presentations including dynamic video data or high resolution freeze frame video data and text data, wherein an address for electronic communication is obtained for at least certain of said interested buyers from an on-line computer service.

39. (Previously Presented) The commercial transaction system of claim 17 wherein an address for electronic communication is provided during a registration phase.

40. (Previously Presented) The commercial transaction system of claim 17 wherein an address for electronic communication is obtained automatically from the system.

41. (Canceled)

42. (Previously Presented) The commercial transaction system of claim 17 wherein the control system outputs an indication to said buyers by a video download of information.

43. (Previously Presented) The commercial transaction system of claim 42 wherein the control system or the vendor site outputs an indication to said buyers further including audio.

44. (Previously Presented) The commercial transaction system of claim 17 wherein the control system or the vendor site outputs an indication to said buyers by video including information depicting at least in part the products or services relating to the area of interest.

45. (Previously Presented) The commercial transaction system of claim 44 wherein the control system or the vendor site outputs an indication to said buyers by dynamic video relating to the area of interest.

46. (Previously Presented) The commercial transaction system of claim 17 wherein the control system or the vendor site outputs an indication to said buyers at least in part by still picture information depicting at least in part the products or services relating to the areas of interest.

47. (Previously Presented) The commercial transaction system of claim 46 wherein the indication further includes audio with the still picture information.

48. (Previously Presented) The commercial transaction system of claim 17 further including a response system to permit buyers to contact said commercial transaction system in

response to receipt of said indication to said buyers regarding materials relating to the areas of interest.

49. (Previously Presented) The commercial transaction system of claim 48 further including a reference locator indication, wherein certain buyers enter the reference locator via the input system.

50. (Previously Presented) The commercial transaction system of claim 17 further including an image display system for presenting high resolution still images to said interested buyers upon contact of said system, after the communication of the indication to said potential buyers regarding said area of interest.

51. (Previously Presented) The commercial transaction system of claim 50 further including an audio system for providing audio to at least said potential buyers.

52. (Previously Presented) The commercial transaction system of claim 17 further including a dynamic video display system for presenting dynamic video to said interested buyer upon contact of said system after the communication of the indication to said buyer regarding said area of interest.

53. (Previously Presented) The commercial transaction system of claim 17 further including a text system for providing the text data.

54. (Previously Presented) The commercial transaction system of claim 17 further including an audio system for providing audio.

55. (Previously Presented) The commercial transaction system of claim 54 wherein the audio system provides at least voice as part of the audio.

56. (Previously Presented) The commercial transaction system of claim 17 further including an inventory control system.

57. (Previously Presented) The commercial transaction system of claim 56 further including a notification prevention system when said inventory control system indicates that the product or service corresponding to the area of interest is unavailable for ordering.

58. (Previously Presented) The commercial transaction system of claim 17 further including an electronic data interchange capability for facilitating said commercial transactions.

59. (Currently Amended) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one of a plurality of vendor sites, at least certain of said buyers having addresses for electronic communication, comprising:

- an interface for facilitating interaction of interested buyers with vendor sites via an on-line computer service;

- an input system for use by the interested buyers to provide input data including data created and expressed by the interested buyers via a keypad to designate at least one area of commercial interest for a merchandise or service;

- a control system for processing the input data to isolate at least one select vendor site from the plurality of vendor sites based on the area of commercial interest designated by an interested buyer;

- a memory in communication with the select vendor site for storing identification data of the interested buyer in association with said area of commercial interest designated by the buyer; and

- whereby the control system electronically outputs to an indicated address for electronic communication for the interested buyer, an indication regarding said area of interest including select video data presentations including dynamic video data or high resolution freeze frame video data and text data and wherein

the commercial transaction system further including a priority determination system.

60. (Previously Presented) The commercial transaction system of claim 59 wherein the priority determination system includes a random number generator.

61. (Previously Presented) The commercial transaction system of claim 59 wherein the priority determination system includes a priority numbering system.

62. (Previously Presented) The commercial transaction system of claim 59 wherein the priority determination system rotates among subsets of said buyers.

63. (Previously Presented) The electronic commercial transaction system of claim 17 wherein at least certain buyers are adapted to access said system via an on-line computer service.

64. (Previously Presented) The commercial transaction communication system of claim 63 wherein the identification data is obtained for at least certain buyers from said on-line computer service.

65. (Canceled)

66. (Previously Presented) The commercial transaction system of claim 77 wherein at least one area of interest is designated by unique product codes.

67. (Previously Presented) The commercial transaction system of claim 77 wherein at least one area of interest is designated by product class codes.

68. (Previously Presented) The commercial transaction system of claim 77 wherein at least one area of interest is a specific product.

69. (Previously Presented) The commercial transaction system of claim 77 wherein the interested buyers designate purchase data.

70. (Previously Presented) The commercial transaction system of claim 77 wherein the interested buyers designate cost data.

71. (Previously Presented) The commercial transaction system of claim 77 wherein the area of interest designated by the interested buyers includes qualification data.

72. (Previously Presented) The commercial transaction system of claim 77 wherein the interested buyers indicate the purchase amount that the interested buyers do not wish to exceed with the area of commercial merchandise or services interest.

73. (Previously Presented) The electronic commercial transaction system of claim 77 wherein the control system imposes at least one limitation on access by the interested buyers.

74. (Previously Presented) The commercial transaction system of claim 71 wherein the control system for providing access to the select vendor further considers other factors in addition to qualification data.

75. (Previously Presented) The commercial transaction system of claim 74 wherein said other factors include merchandise data.

76. (Previously Presented) The commercial transaction system of claim 74 wherein said other factors include merchandise codes.

77. (Currently Amended) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one or more vendor or vendor sites, at least certain of said

buyers having addresses for electronic communication, the electronic commercial transaction system being adapted for use with an on-line computer service, comprising:

an interface for facilitating interaction of interested buyers with said electronic commercial transaction system, at least one said buyer adapted for utilizing an on-line computer service as at least a portion of said interface,

an input system for use by the interested buyers to designate at least one area of commercial merchandise or services interest created and expressed by the interested buyers via a keypad;

a memory for storing vendor data for a plurality of vendors that are classified according to specific merchandise or services; and

a control system for providing access to a select vendor from the vendor sites based on the area of commercial merchandise or services interest entered by the buyer and accordingly interconnecting the selected vendor with the buyer for electronic communication including transmitting video data from stored video for the area of commercial merchandise or services interest the video data including dynamic video data or high resolution freeze frame video data and text data, the control system also providing the buyer with an identification number to identify a particular transaction, wherein the control system or the vendor site outputs an indication to said buyers by electronic mail (e-mail)

78. (Previously Presented) The commercial transaction system of claim 77 wherein the addresses for electronic communication is an electronic mail address.

79. (Currently Amended) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one or more vendor or vendor sites, at least certain of said buyers having addresses for electronic communication, the electronic commercial transaction system being adapted for use with an on-line computer service, comprising:

an interface for facilitating interaction of interested buyers with said electronic commercial transaction system, at least one said buyer adapted for utilizing an on-line computer service as at least a portion of said interface;

an input system for use by the interested buyers to designate at least one area of commercial merchandise or services interest created and expressed by the interested buyers via a keypad;

a memory for storing vendor data for a plurality of vendors that are classified according to specific merchandise or services; and

a control system for providing access to a select vendor from the vendor sites based on the area of commercial merchandise or services interest entered by the buyer and accordingly interconnecting the selected vendor with the buyer for electronic communication including transmitting video data from stored video for the area of commercial merchandise or services interest the video data including dynamic video data or high resolution freeze frame video data and text data, the control system also providing the buyer with an identification number to identify a particular transaction, wherein the control system or the vendor site outputs an indication to said buyers by a telephonic communication.

80. (Previously Presented) The commercial transaction system of claim 79 wherein the addresses for electronic communication is a telephone number.

81. (Currently Amended) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one or more vendor or vendor sites, at least certain of said buyers having addresses for electronic communication, the electronic commercial transaction system being adapted for use with an on-line computer service, comprising:

an interface for facilitating interaction of interested buyers with said electronic commercial transaction system, at least one said buyer adapted for utilizing an on-line computer service as at least a portion of said interface;

an input system for use by the interested buyers to designate at least one area of commercial merchandise or services interest created and expressed by the interested buyers via a keypad;

a memory for storing vendor data for a plurality of vendors that are classified according to specific merchandise or services; and

a control system for providing access to a select vendor from the vendor sites based on the area of commercial merchandise or services interest entered by the buyer and accordingly interconnecting the selected vendor with the buyer for electronic communication including transmitting video data from stored video for the area of commercial merchandise or services interest the video data including dynamic video data or high resolution freeze frame video data and text data, the control system also providing the buyer with an identification number to identify a particular transaction, wherein the control system outputs an indication to said buyers by a recorded voice message.

82. (Previously Presented) The commercial transaction system of claim 81 wherein the recorded voice message is voicemail.

83. (Currently Amended) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one or more vendor or vendor sites, at least certain of said buyers having addresses for electronic communication, the electronic commercial transaction system being adapted for use with an on-line computer service, comprising:

an interface for facilitating interaction of interested buyers with said electronic commercial transaction system, at least one said buyer adapted for utilizing an on-line computer service as at least a portion of said interface;

an input system for use by the interested buyers to designate at least one area of commercial merchandise or services interest created and expressed by the interested buyers via a keypad;

a memory for storing vendor data for a plurality of vendors that are classified according to specific merchandise or services; and

a control system for providing access to a select vendor from the vendor sites based on the area of commercial merchandise or services interest entered by the buyer and accordingly interconnecting the selected vendor with the buyer for electronic communication including transmitting video data from stored video for the area of commercial merchandise or services interest the video data including dynamic video data or high resolution freeze frame video data and text data, the control system also providing the buyer with an identification number to identify a particular transaction, wherein the control system outputs an indication to said buyers by an electronic bulletin board.

84. (Currently Amended) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one or more vendor or vendor sites, at least certain of said buyers having addresses for electronic communication, the electronic commercial transaction system being adapted for use with an on-line computer service, comprising:

an interface for facilitating interaction of interested buyers with said electronic commercial transaction system, at least one said buyer adapted for utilizing an on-line computer service as at least a portion of said interface;

an input system for use by the interested buyers to designate at least one area of commercial merchandise or services interest created and expressed by the interested buyers via a keypad;

a memory for storing vendor data for a plurality of vendors that are classified according to specific merchandise or services; and

a control system for providing access to a select vendor from the vendor sites based on the area of commercial merchandise or services interest entered by the buyer and accordingly interconnecting the selected vendor with the buyer for electronic communication including transmitting video data from stored video for the area of commercial merchandise or services interest the video data including

dynamic video data or high resolution freeze frame video data and text data, the control system also providing the buyer with an identification number to identify a particular transaction, wherein the control system outputs an indication to said buyers by facsimile.

85. (Previously Presented) The commercial transaction system of claim 84 wherein an address for electronic communication is a telephone number associated with a facsimile machine.

86. (Previously Presented) The commercial transaction system of claim 84 wherein an address for electronic communication is obtained for at least certain of said interested buyers from an on-line computer service.

87. (Previously Presented) The commercial transaction system of claim 84 wherein an address for electronic communication is provided during a registration phase.

88. (Previously Presented) The commercial transaction system of claim 84 wherein an address for electronic communication is obtained automatically from the system.

89. (Previously Presented) The commercial transaction system of claim 84 wherein the control system or the vendor site electronically outputs the indication to a certain subset of the interested buyers.

90. (Previously Presented) The commercial transaction system of claim 84 wherein the control system outputs an indication to said buyers by a video download of information relating to the area of interest.

91. (Previously Presented) The commercial transaction system of claim 90 wherein the control system outputs an indication to said buyers further including audio.

92. (Previously Presented) The commercial transaction system of claim 77 wherein the control system outputs the email indication to said buyers which includes video including information depicting at least in part the products or services relating to the area of interest.

93. (Previously Presented) The commercial transaction system of claim 92 wherein the control system outputs the indication to said buyers by dynamic video relating to the area of interest.

94. (Previously Presented) The commercial transaction system of claim 92 wherein the control system or the vendor site outputs an indication to said buyers at least in part by still picture information depicting at least in part the products or services relating to the areas of interest.

95. (Previously Presented) The commercial transaction system of claim 94 wherein the indication further includes audio with the still picture information.

96. (Previously Presented) The commercial transaction system of claim 77 further including a response system to permit buyers to contact said system in response to receipt of said indication to said buyers regarding materials relating to the areas of interest.

97. (Previously Presented) The commercial transaction system of claim 96 further including a cross reference number to identify transactions relating to the areas of interest.

98. (Previously Presented) The commercial transaction system of claim 77 further including an image display system for presenting high resolution still images to said interested buyer upon contact of said system, after the communication of the indication to said buyer regarding said area of interest.

99. (Previously Presented) The commercial transaction system of claim 98 further including an audio system for providing audio to at least said buyer.

100. (Previously Presented) The commercial transaction system of claim 77 further including a dynamic video display system for presenting dynamic video to said interested buyer upon contact of said system after the communication of the indication to said buyer regarding said area of interest.

101. (Previously Presented) The commercial transaction system of claim 77 further including a text system for providing text.

102. (Previously Presented) The commercial transaction system of claim 77 further including an audio system for providing audio.

103. (Previously Presented) The commercial transaction system of claim 102 wherein the audio system provides at least voice.

104. (Previously Presented) The commercial transaction system of claim 77 further including an inventory control system.

105. (Previously Presented) The commercial transaction system of claim 104 further including a notification prevention system when said inventory control system indicates that the product or service corresponding to the area of interest is unavailable for ordering.

106. (Previously Presented) The commercial transaction system of claim 77 further including an electronic data interchange capability for facilitating said commercial transactions.

107. (Previously Presented) The commercial transaction system of claim 77 further including a priority determination system.

108. (Previously Presented) The commercial transaction system of claim 107 wherein the priority determination system includes a random number generator.

109. (Previously Presented) The commercial transaction system of claim 107 wherein the priority determination system includes a priority numbering system

110. (Previously Presented) The commercial transaction system of claim 107 wherein the priority determination system rotates among subsets of said buyers.

111. (Previously Presented) The commercial transaction communication system of claim 77 wherein the identification data is obtained for at least certain of said members from said on-line computer service.

112. (Currently Amended) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyers and at least one or more vendor sites, at least certain of said buyers having addresses for electronic communication, the electronic commercial transaction system being adapted for use with an on-line computer service, comprising:

- an interface for interaction with said electronic commercial transaction system, at least one said buyer adapted for utilizing an on-line computer service as at least a portion of said interface;

- an input system for use by a buyer to designate at least one area of commercial merchandise services interest created and expressed by the interested buyers via a keypad, and to provide data that includes an indication of the maximum price that buyers are willing to pay for a commercial product or service;

- a memory for storing input data of an interested buyer in association with said at least one designated area of commercial merchandise or services interest;

- a high resolution still image system to provide images for the designated area of commercial merchandise or services interest to said interested buyer; and

- a control system for isolating from the vendors identified to the commercial transaction system, at least one vendor associated with the area of commercial merchandise or services interest and electronically outputting by electronic mail to an

address for electronic communication for the buyer an indication regarding said area of commercial merchandise or services interest including related images, the buyer using the input system for manipulating an image provided by the high resolution still image system for the area of commercial interest.

113. (Previously Presented) The commercial transaction system of claim 112 wherein at least one area of interest is designated by unique codes.

114. (Previously Presented) The commercial transaction system of claim 112 wherein at least one area of commercial merchandise or services interest is designated by class codes.

115. (Previously Presented) The commercial transaction system of claim 112 wherein at least one area of commercial merchandise or services interest is a specific product.

116. (Previously Presented) The commercial transaction system of claim 112 wherein the buyer indicates the maximum price as purchase data.

117-120. (Canceled)

121. (Currently Amended) The commercial transaction system of claim 112 wherein ~~the control system for isolating those potential buyers~~ vendors isolated by the control system are informed of buyers ~~further considers other factors in addition to~~ price criteria for vendors to satisfy.

122. (Canceled)

123. (Previously Amended) The commercial transaction system of claim 121 wherein said other factors that are considered include the vendor delivery status.

124. (Previously Presented) The commercial transaction system of claim 112 wherein the control system outputs more than one indication to said buyers by electronic mail (e-mail).

125. (Previously Presented) The commercial transaction system of claim 124 wherein the addresses for electronic communication is an electronic mail address.

126. (Previously Presented) The commercial transaction system of claim 112 wherein the control system outputs an additional indication to said buyers by a telephonic communication.

127. (Previously Presented) The commercial transaction system of claim 126 wherein the addresses for electronic communication is a telephone number.

128. (Previously Presented) The commercial transaction system of claim 112 wherein the control system outputs an additional indication to said buyers by a recorded voice message.

129. (Previously Presented) The commercial transaction system of claim 128 wherein the recorded voice message is voicemail.

130. (Previously Presented) The commercial transaction system of claim 112 wherein the control system outputs an additional indication to said buyers by an electronic bulletin board.

131. (Previously Presented) The commercial transaction system of claim 112 wherein the control system outputs an additional indication to said buyers by facsimile.

132. (Previously Presented) The commercial transaction system of claim 131 wherein an address for electronic communication is a telephone number associated with a facsimile machine.

133. (Previously Presented) The commercial transaction system of claim 112 wherein an address for electronic communication is obtained for at least certain of said buyers from an on-line computer service.

134. (Previously Presented) The commercial transaction system of claim 112 wherein an address for electronic communication is provided during a registration phase.

135. (Previously Presented) The commercial transaction system of claim 112 wherein an address for electronic communication is obtained automatically from the system.

136. (Previously Presented) The commercial transaction system of claim 112 wherein the control system sends the indication to several subsets of potential buyers in sequence.

137. (Previously Presented) The commercial transaction system of claim 112 wherein the control system outputs an indication to said buyers by a video download of information relating to the area of interest.

138. (Previously Presented) The commercial transaction system of claim 137 wherein the control system outputs an indication to said buyers further including audio.

139. (Previously Presented) The commercial transaction system of claim 112 wherein the control system outputs an indication to said buyers by video including information depicting at least in part the products or services relating to the area of interest.

140. (Previously Presented) The commercial transaction system of claim 112 wherein the control system outputs an indication to said buyers by dynamic video relating to the area of interest.

141. (Previously Presented) The commercial transaction system of claim 112 wherein the control system outputs an indication to said buyers at least in part by still picture information

depicting at least in part the products or services relating to the areas of commercial merchandise or services interest.

142. (Previously Presented) The commercial transaction system of claim 141 wherein the indication further includes audio with the still picture information.

143. (Previously Presented) The commercial transaction system of claim 112 further including a response system to permit buyers to contact said system in response to receipt of said indication to said buyers regarding materials relating to the areas of commercial merchandise or services interest.

144. (Previously Presented) The commercial transaction system of claim 143 further including a cross reference number to identify transactions relating to the areas of commercial merchandise or services interest.

145. (Previously Presented) The commercial transaction system of claim 112 further including an image display system for presenting high resolution still images to said potential buyer upon contact of said system, after the communication of the indication to said buyer regarding said area of commercial merchandise or services interest.

146. (Previously Presented) The commercial transaction system of claim 145 further including an audio system for providing audio to at least said buyer.

147. (Previously Presented) The commercial transaction system of claim 112 further including a dynamic video display system for presenting dynamic video to said potential buyer upon contact of said system after the communication of the indication to said buyer regarding said area of commercial merchandise or services interest.

148. (Previously Presented) The commercial transaction system of claim 112 further including a text system for providing text.

149. (Previously Presented) The commercial transaction system of claim 112 further including an audio system for providing audio.

150. (Previously Presented) The commercial transaction system of claim 149 wherein the audio system provides at least voice.

151. (Previously Presented) The commercial transaction system of claim 112 further including an inventory control system.

152. (Previously Presented) The commercial transaction system of claim 151 further including a notification prevention system when said inventory control system indicates that the product or service corresponding to the area of interest is unavailable for ordering.

153. (Previously Presented) The commercial transaction system of claim 112 further including an electronic data interchange capability for facilitating said commercial transactions.

154. (Previously Presented) The commercial transaction system of claim 112 further including a priority determination system.

155. (Previously Presented) The commercial transaction system of claim 154 wherein the priority determination system includes a random number generator.

156. (Previously Presented) The commercial transaction system of claim 154 wherein the priority determination system includes a priority numbering system.

157. (Previously Presented) The commercial transaction system of claim 154 wherein the priority determination system rotates among subsets of said buyers.

158. (Previously Presented) The commercial transaction communication system of claim 112 wherein the identification data is obtained for at least certain of said buyers from said on-line computer service.

159. (Currently Amended) An electronic commercial transaction system for selectively enabling communications via a communication network between one or more possibly interested buyer or buyers and one or more vendor or vendor sites, certain of said buyers having addresses for electronic communication, the system being adapted for use with an on-line computer service, comprising:

- an interface for facilitating interaction of said interested buyers with said system, at least one said buyer adapted for utilizing an on-line computer service as at least a portion of said interface;

- a dynamic video and audio system for providing video and audio at least from said electronic commercial transaction system to said possibly interested buyer;

- an input system for use by interested buyers to designate at least one area of commercial merchandise or services interest created and expressed by the interested buyers via a keypad;

- a control system for isolating from the vendor sites that are identified to the commercial transaction system, at least one vendor site associated with an area of commercial merchandise or services interest;

- a memory in association with the one vendor site for storing identification data of an interested buyer in association with said at least one designated area of commercial merchandise or services interest; and

- a control system electronically outputs by electronic mail to an address for electronic communication for a potential buyer, an indication to said buyer regarding said area of commercial merchandise or services interest, including a notification of availability of sales presentations of the one or more vendors wherein the sales presentation includes stored video for the area of interest including dynamic video data or high resolution freeze frame video data and text data.

160. (Previously Presented) The commercial transaction system of claim 159 wherein at least one area of interest is designated by unique product codes.

161. (Previously Presented) The commercial transaction system of claim 159 wherein at least one area of commercial merchandise or services interest is designated by product class codes.

162. (Previously Presented) The commercial transaction system of claim 159 wherein at least one area of commercial merchandise or services interest is a specific product.

163. (Previously Presented) The commercial transaction system of claim 159 wherein the control system for isolating the select vendor site utilizes purchase data indicated by the interested buyers.

164. (Previously Presented) The commercial transaction system of claim 159 wherein the control system for communicating with select vendor site utilizes cost data indicated by the interested buyers.

165. (Previously Presented) The commercial transaction system of claim 159 wherein the control system for isolating the select vendor site utilizes qualification data indicated by the interested buyers.

166. (Previously Presented) The commercial transaction system of claim 159 wherein the control system for isolating the select vendor site takes into consideration certain limitations that may be imposed with respect to certain buyers.

167. (Previously Presented) The commercial transaction system of claim 159 wherein the interested buyers indicate the amount that the interested buyers do not wish to exceed with the area of commercial merchandise or services interest.

168. (Previously Presented) The commercial transaction system of claim 1 wherein the control system for isolating the select vendor site further includes other factors in addition to qualification data.

169. (Previously Presented) The commercial transaction system of claim 168 wherein said other factors includes merchandise or services data.

170. (Previously Presented) The commercial transaction system of claim 168 wherein said other factors includes.

171. (Previously Presented) The commercial transaction system of claim 159 wherein the control system or the vendor site outputs more than one indication to said buyers by an electronic mail (e-mail).

172. (Previously Presented) The commercial transaction system of claim 171 wherein the addresses for electronic communication is an electronic mail address.

173. (Previously Presented) The commercial transaction system of claim 159 wherein the control system or the vendor site outputs an indication to said buyers by a telephonic communication.

174. (Previously Presented) The commercial transaction system of claim 173 wherein the addresses for electronic communication is a telephone number.

175. (Previously Presented) The commercial transaction system of claim 159 wherein the control system outputs an indication to said buyers by a recorded voice message.

176. (Previously Presented) The commercial transaction system of claim 159 wherein the recorded voice message is voicemail.

177. (Previously Presented) The commercial transaction system of claim 159 wherein the control system or the vendor site outputs an indication to said buyers by an electronic bulletin board.

178. (Previously Presented) The commercial transaction system of claim 159 wherein the control system or the vendor site outputs an indication to said buyers by facsimile.

179. (Previously Presented) The commercial transaction system of claim 178 wherein an address for electronic communication is a telephone number associated with a facsimile machine.

180. (Previously Presented) The commercial transaction system of claim 159 wherein an address for electronic communication is obtained for at least certain of said buyers from an on-line computer service.

181. (Previously Presented) The commercial transaction system of claim 159 wherein an address for electronic communication is provided during a registration phase.

182. (Previously Presented) The commercial transaction system of claim 159 wherein an address for electronic communication is obtained automatically from the system.

183. (Previously Presented) The commercial transaction system of claim 159 wherein the address for electronic communication is obtained by ANI.

184. (Previously Presented) The commercial transaction system of claim 159 wherein the control system outputs an indication to said buyers by a video download of information relating to the area of interest.

185. (Previously Presented) The commercial transaction system of claim 184 wherein the control system or the vendor site outputs an indication to said buyers further including audio.

186. (Previously Presented) The commercial transaction system of claim 159 wherein the control system or the vendor site outputs an indication to said buyers by video including information depicting at least in part the products or services relating to the area of interest.

187. (Previously Presented) The commercial transaction system of claim 159 wherein the control system or the vendor site outputs an indication to said buyers by dynamic video relating to the area of interest.

188. (Previously Presented) The commercial transaction system of claim 159 wherein the control system or the vendor site outputs an indication to said buyers at least in part by still picture information depicting at least in part the products or services relating to the areas of interest.

189. (Previously Presented) The commercial transaction system of claim 188 wherein the indication further includes audio with the still picture information.

190. (Previously Presented) The commercial transaction system of claim 159 further including a response system to permit buyers to contact said system in response to receipt of said indication to said buyers regarding materials relating to the areas of interest.

191. (Previously Presented) The commercial transaction system of claim 190 further including a cross reference number to identify transactions relating to the areas of interest.

192. (Previously Presented) The commercial transaction system of claim 159 further including an image display system for presenting high resolution still images to said potential buyer upon contact of said system, after the communication of the indication to said buyer regarding said area of commercial merchandise or services interest.

193. (Previously Presented) The commercial transaction system of claim 192 further including an audio system for providing audio to at least said buyer.

194. (Previously Presented) The commercial transaction system of claim 159 further including a dynamic video display system for presenting dynamic video to said potential buyer upon contact of said system after the communication of the indication to said buyer regarding said area of commercial merchandise or services interest.

195. (Previously Presented) The commercial transaction system of claim 159 further including a text system for providing text.

196. (Previously Presented) The commercial transaction system of claim 159 further including an audio system for providing audio.

197. (Previously Presented) The commercial transaction system of claim 196 wherein the audio system provides at least voice as part of the audio.

198. (Previously Presented) The commercial transaction system of claim 159 further including an inventory control system.

199. (Previously Presented) The commercial transaction system of claim 198 further including a notification prevention system when said inventory control system indicates that the product or service corresponding to the area of commercial merchandise or services interest is unavailable for ordering.

200. (Previously Presented) The commercial transaction system of claim 159 further including an electronic data interchange capability for facilitating said commercial transactions.

201. (Previously Presented) The commercial transaction system of claim 159 further including a priority determination system.

202. (Previously Presented) The commercial transaction system of claim 201 wherein the priority determination system includes a random number generator.

203. (Previously Presented) The commercial transaction system of claim 201 wherein the priority determination system includes a priority numbering system.

204. (Presently Presented) The commercial transaction system of claim 201 wherein the priority determination system rotates among subsets of said buyers.

205. (Previously Presented) The commercial transaction communication system of claim 159 wherein the identification data is obtained for at least certain of said buyers from said on-line computer service.

REMARKS

This amendment is responsive to the office action dated January 25, 2007. Claims 17-23, 25-40, 42-64, 66-116, 121, 123-205 stand rejected. Claims 17, 29, 31, 33, 35, 36, 38, 59, 77, 79, 81, 83, 84, 112, 121, and 159 are further amended. Reconsideration of the rejected claims is respectfully requested based on the amendments above and the argued urged below.

35 U.S.C. § 112 Rejections

In paragraph 3 of the office action, the Examiner maintains the rejections of claims 121 and 123 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner again indicates that the claims contain “subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.” On page 3 of the office action, the Examiner contends that the request form is transmitted to vendors who are authorized to sell the designated merchandise, as identified by the merchandise code on the request form. The Examiner finds that “there is no description of the control system isolating or communicating with vendors based on the maximum purchase amount or price.” The Examiner asserts that:

the control system does utilize the data on the request form including the price that the buyers do not wish to exceed (‘Under \$2.00 net cost’) to determine appropriate vendors for communication with the buyer transmitting that request.” The examiner disagrees. On page 18, lines 2-10, applicant’s specification describes regulating communication using merchandise codes, not maximum purchase amount or price. A request form is transmitted to all authorized vendors, as identified by the merchandise code on the request form, not the maximum purchase amount or price. It is the vendors, not the control system, who decide whether or not to respond to a request based on the maximum purchase amount indicated. Applicant’s specification only provides for isolating vendors by merchandise code. There is no description of the control system isolating or communicating with vendors based on maximum purchase amount or price.

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The request form as shown in Figure 9 is indicated below. It carries the merchandise code as well as other specifics (including the price that cannot be exceeded) on the same request that is circulated via the control system to vendors that are deemed eligible by the control system.

EXEMPLARY BUYER REQUEST FORM

| |
|---|
| Date <u>12-7-93</u> Time <u>9:45 am PST</u> Buyer Co. <u>Food 4 Less</u> Specific Buyer <u>Larry Jahl</u> |
| Video Unit <u>714 668 5331</u> Your Reference # <u>5171</u> <i>MERCHANDISE</i> <u>472361</u> <i>CODE</i> |
| General Category <u>Body Health and Beauty Aids</u> Specific Category <u>Shampoo & Conditioners</u> |
| <i>SUBMIT PRESENTATION</i> |
| Request Specifics Conditioning Shampoo for the U.S. Market Papaya based 12 oz. bottle Under \$2.00 net cost Must be available delivered to Pullman, CA by 12-18-93, 8:00 am PST Minimum 10,000 units Date/Time offers required by <u>12-7-93 3:00 pm (PST)</u> |

FIG. 9

The specification, at page 43, lines 4-23, indicates the following:

Another possibility involves type "C" calls, whereby a buyer distributes a request for proposal. Again, various communications may be accomplished to a select group or sub-group of vendors based on merchandise codes. To consider a specific form of communication in accordance herewith, after qualification, a buyer might use video communication to notify vendors with a graphic such as one illustrated in FIGURE 9. FIGURE 9 illustrates an exemplary buyer request form providing specific information of the merchandise. Blank forms may be stored in a forms directory (e.g. menu-driven) or the like on each buyers terminal. Thus, when making a request for proposals, a buyer may simply access a blank form and enter the specific information. Essentially, a merchandise code number "472361" is supplied, indicating the specific product as also identified in the graphic. After the notice has been sent to vendors, a message as represented in FIGURE 10 may be transmitted to the buyer from the central traffic control system TIS. Note that a check digit may be supplied. Likewise, vendors may

access blank forms, similar to the exemplary buyer request forms,
to indicate special offerings. (emphasis by underlining added)

The control system isolates eligible vendors and routes the request to them and further provides a notification to the buyer making the request that advises the buyer of the number of vendors to whom the request was routed. Claim 121 is amended to clarify that vendors isolated by the control system are informed of buyers price criteria for vendors to satisfy. The Examiner is respectfully requested to withdraw the 112 rejection of claim 121. Claim 123 depends on claim 121 and is distinct because it incorporates the amendments to claim 121.

35 U.S.C. § 103 Rejections

In paragraph 5 of the office action, the Examiner has again variously rejected claims 17-23, 25-40, 42-64, and 66-205 under 35 U.S.C. §103(a) as being unpatentable over Shavit et al. (U.S. Patent No. 4,799,156), in view of Lockwood (U.S. Patent No. 5,576,951). The Examiner indicates her reasons why it is obvious the two patents are from the same fields of endeavor. However, Applicant urges the Examiner to reconsider her rejections based on the following legal construct including the most recent decision by the Supreme Court.

For rejections under 35 U.S.C. Section 103, the establishment of a *prima facie* case of obviousness requires that all the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03 The establishment of a *prima facie* case of obviousness requires that the claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose. MPEP § 2143.03

The Supreme Court set the standard for evaluating obviousness in its recent decision (*KSR International Co. v. Teleflex Inc. et al.* (550 U.S. ____ 2007)) to be “expansive and flexible” and “functional.” However, the standard is not controlling, rather, the various noted factors only “can” or “might” be indicative of obviousness based on the facts. The Supreme Court in *KSR* enunciated the following principles:

“[w]hen a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, Section 103 likely bars it patentability. For the same reason, if a

technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill...[A] court must ask whether the improvement is more than the predictable use of prior art elements according to their established functions.

Simply using the benefit of hindsight in combining references is improper. *In re Lee*, 277 F.3d 1338, 1342-45 (Fed. Cir. 2002); *In re Deminski*, 796 F.2d 436, 442 (Fed. Cir. 1986)). The Supreme Court while recognizing the need “to guard against slipping into the use of hindsight,” acknowledged the following principles:

[r]ejection on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.

[I]t can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.

One of the ways in which a patent’s subject matter can be proved obvious is by noting that there existed at the time of invention a known problem for which there was an obvious solution encompassed by the patent’s claims.

Rather, obviousness is to be determined from the vantage point of a hypothetical person having ordinary skill in the art to which the patent pertains. See 35 U.S.C. § 103(a). The legal construct also presumes that all prior art references in the field of the invention are available to this hypothetical skilled artisan. *In re Carlson*, 983 F.2d 1032, 1038, 25 USPQ 2d 1207, 1211 (Fed. Cir. 1993). The Supreme Court in *KSR* stated that:

a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was independently, known in the prior art.

An examiner may often find every element of a claimed invention in the prior art. “Virtually all [inventions] are combinations of old elements.” *Environmental Designs, Ltd. V. Union Oil Co.*, 713 F.2d 693, 698, 218 USPQ 865, 870 (Fed.Cir. 1983), cert. denied, 464 U.S. 1043 (1984); see also *Richel, Inc. v. Sunspool Corp.*, 714 F.2d 1573, 1579-80, 219 USPQ 8, 12 (Fed.Cir. 1983). If identification of each claimed element in the prior art were sufficient to

negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be “an illogical and inappropriate process by which to determine patentability.” *Sensonics, Inc. v. Aerosonic Corp.*, 81 F.3d 1566, 1570, 38 U.S.P.Q.2d 1551, 1554 (Fed.Cir.1996). In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. The Supreme Court in KSR has also stated that:

[o]ften, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the market place.

Further, the Supreme Court states that:

The Court relied upon the corollary principle that when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious.

The Examiner acknowledges that “Shavit differs from the claims in that it does not specify the control system processing the input data to isolate at least one select vendor site from a plurality of vendor sites based on the area of commercial interest designated by the buyer and an indication including select video data presentations. However, the Examiner indicates that Lockwood teaches the desirability of having a central processor 222 select an appropriate vendor-supplied data source associated with the customer’s request, col. 18, lines 51-54; col. 19, lines 52-53; col. 20, lines 36-39, for output to the customer as a high-resolution audio-visual presentation. The Examiner believes that it would have been obvious to one of ordinary skill to incorporate such vendor selection as taught by Lockwood within the system of Shavit in order to provide buyers with a more efficient means of selecting goods and services from a plurality of vendors by providing customized audio/video presentations based on the buyer’s area of interest. In this way, according to the Examiner, the buyer need not manually select each distributor from which the information is desired.

Even if the reference are combined as the Examiner suggests and for the reasons that the Examiner provides, the combination does not meet all the limitations of the claims here as amended. The independent claims recite that the area of interest is created and expressed by the buyer via a keypad. As the Examiner recognizes, Shavit does not teach processing by its control system of input data to isolate at least on select vendor site from a plurality based on commercial area of interest designated by the buyer. Lockwood, at column 18, lines 51-54, clearly teaches that the tone or voice response system 221 receives the "customer's selections" in "audio signal form" and "converts the signals to messages" which are transmitted to the central processor 222 for selection of data sources. The claims as amended here recite that the user creates and expresses the area of interest via a digital keypad, which recitation is not taught by Lockwood.

The Examiner is respectfully requested to withdraw the 35 U.S.C. Section 103 rejections here and to allow the claims.

Respectfully submitted,

BERRY & ASSOCIATES P.C.

Dated: July 25, 2007

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